Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 194530

70
ORIGIN AF-18

INFO OCT-01 ISO-00 L-03 CIAE-00 INR-10 NSAE-00 RSC-01 EB-11

JUSE-00 COME-00 DODE-00 MC-02 TRSE-00 SS-15 NSC-10

/071 R

DRAFTED BY AF/E:TJBURKE:BJR
APPROVED BY AF/E:WBCOOTE
---------- 102974
R 291614Z SEP 73
FM SECSTATE WASHDC
TO AMEMBASSY LUSAKA

LIMITED OFFICIAL USE STATE 194530

E.O. 11652:N/A
TAGS:PFOR, ZA, US
SUBJECT:MARSHALL SOGHOIAN CASE
REF: STATE 183130

1. DEPARTMENT DELIVERED TO ZAMBIAN CHARGE SEPTEMBER 28 WRITTEN RESPONSE TO AMBASSADOR MWILA'S SEPTEMBER 13 NOTE. WHILE RESPONSE UNLIKELY TO BE TOTALLY SATISFACTORY TO GRZ, IT IS AS FORTHCOMING AS POSSIBLE AT THIS STAGE OF THIS FAIRLY COMPLEX LEGAL CASE. TEXT OF NOTE, OMITTING COMPLIMENTARY OPENING AND CLOSE FOLLOWS.

2. QUOTE: THE DEPARTMENT OF STATE ACKNOWLEDGES RECEIPT, SINCE THE ARREST OF MR. SOGHOIAN, OF FORMAL NOTIFICATION OF HIS STATUS AS AN EMPLOYEE OF THE GOVERNMENT OF THE REPUBLIC OF ZAMBIA.

3. AS REPRESENTATIVES OF THE DEPARTMENT OF STATE HAVE PREVIOUSLY INDICATED, MR. SOGHOIAN HAS BEEN CHARGED BY THE UNITED STATES GOVERNMENT AND INDICTED BY A FEDERAL GRAND JURY FOR VIOLATION OF THE CRIMINAL LAWS OF THE UNITED STATES INVOLVING THE UNLAWFUL POSSESSION OF SURREPTITIOUS
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 194530

LISTENING DEVICES. HOWEVER, IT IS OUR UNDERSTANDING FROM

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

DISCUSSIONS WITH THE DEPARTMENT OF JUSTICE THAT MR. SOGHOIAN HAS NOT BEEN AND PROBABLY WILL NOT BE INDICTED FOR ACTING IN THE UNITED STATES AS AN AGENT OF A FOREIGN GOVERNMENT WITHOUT NOTIFICATION TO THE SECRETARY OF STATE,

AS INITIALLY CONTEMPLATED. THE DECISION AS TO THE MERITS OF ANY CHARGES AGAINST HIM MUST REST WITH THE APPROPRIATE JUDICIAL AUTHORITIES IN THIS COUNTRY, AND IT WOULD BE INAPPROPRIATE TO COMMENT ON THESE MERITS AT THIS TIME.

4. THE AMBASSADOR'S NOTE OF SEPTEMBER 13 REQUESTED THE RETURN TO THE GOVERNMENT OF THE REPUBLIC OF ZAMBIA OF ITEMS WHICH WERE SEIZED IN CONNECTION WITH MR. SOGHOIAN'S ARREST AND WHICH ARE CLAIMED AS PROPERTY OF THE GOVERNMENT OF THE REPUBLIC OF ZAMBIA. IN AN ATTEMPT TO BE RESPONSIVE TO THAT REQUEST, REPRESENTATIVES OF THE DEPARTMENT OF STATE HAVE DISCUSSED WITH REPRESENTATIVES OF THE DEPARTMENT OF JUSTICE THE POSSIBILITIES AND PROCEDURES FOR THE RELEASE OF ITEMS CLAIMED BY YOUR GOVERNMENT. THE DEPARTMENT OF JUSTICE HAS INFORMED US THAT BEFORE ANY ITEMS CAN BE RELEASED TO THE GOVERNMENT OF THE REPUBLIC OF ZAMBIA THE OWNERSHIP OF THOSE ITEMS MUST BE CLEARLY ESTABLISHED IN ORDER TO PROTECT THE RIGHTS OF ALL PARTIES CONCERNED. IN THIS CONNECTION, THE DEPARTMENT OF JUSTICE HAS INDICATED THAT IF YOUR GOVERNMENT SUBMITS SUFFICIENT EVIDENCE OF OWNERSHIP SUPPORTED BY AFFIDAVITS ASSERTING FORMAL CLAIM TO SPECIFIC ITEMS, OR FUNDS, THESE CLAIMS ARE SUPPORTED BY MR. SOGHOIAN, AND HIS COUNSEL STIPULATES TO THE RELEASE OF ITEMS WHICH MAY AFFECT HIS TRIAL, THE DEPARTMENT OF JUSTICE WILL BE PREPARED TO MAKE PROMPT DETERMINATION AS TO WHETHER THE FUNDS OR SPECIFIC ITEMS MAY BE RELEASED OR MUST BE RETAINED FOR USE AS EVIDENCE IN FUTURE COURT PROCEEDINGS AGAINST MR. SOGHOIAN. WE MUST STRESS, HOWEVER, THAT CLAIMS WHICH ARE CONTESTED BY MR. SOGHOIAN, WHOSE POSSESSION OF THE ITEMS SEIZED AT THE TIME OF HIS ARREST WOULD ORDINARILY INDICATE OWNERSHIP BY HIM, COULD NOT BE PROMPTLY HONORED. IN ADDITION, ITEMS DEEMED NECESSARY AS EVIDENCE OF CRIMINAL ACTIVITY ON THE PART OF MR. SOGHOIAN OR THE POSSESSION OF WHICH IS UNLAWFUL UNDER LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 STATE 194530

UNITED STATES STATUTES COULD NOT BE RELEASED.

5. WE HAVE BEEN INFORMED THAT THE UNITED STATES INTERNAL REVENUE SERVICE, IN ORDER TO SATISFY PENDING INCOME TAX CLAIMS AGAINST MR. SOGHOIAN, HAS PLACED CERTAIN LIENS AGAINST MR. SOGHOIAN'S ASSETS. THOSE LIENS PRESENTLY EXTEND TO ITEMS IN MR. SOGHOIAN'S POSSESSION AT THE TIME OF HIS ARREST. THE DEPARTMENT OF STATE HAS

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

INDICATED TO THE INTERNAL REVENUE SERVICE THAT THE GOVERN-
MENT OF THE REPUBLIC OF ZAMBIA CLAIMS AS ITS PROPERTY
ITEMS SEIZED AT THE TIME OF THE ARREST OF MR. SOGHOIAN.
WE BELIEVE THAT ESTABLISHMENT OF OWNERSHIP BY YOUR GOVERN-
MENT WHICH IS SATISFACTORY TO THE DEPARTMENT OF JUSTICE
WOULD BE SIMILARLY ACCEPTED BY THE INTERNAL REVENUE SERVICE,

AND THAT THE LIENS WILL NOT IMPEDE THE RETURN OF ITEMS
BELONGING TO YOUR GOVERNMENT.

6. THE DEPARTMENT OF STATE WILL CONTINUE TO EXPLORE WITH
THE DEPARTMENT OF JUSTICE THE POSSIBLE RELEASE OF PROPERTY
CLAIMED BY YOUR GOVERNMENT. WHILE WE UNDERSTAND THE
CONCERN OF THE GOVERNMENT OF THE REPUBLIC OF ZAMBIA, WE
BELIEVE THAT YOUR GOVERNMENT SHOULD APPRECIATE THAT THE
ABILITY OF THE DEPARTMENT OF STATE TO SATISFY YOUR GOVERN-
MENT'S REQUESTS MUST BE LIMITED BY THE OBLIGATION OF THE
UNITED STATES GOVERNMENT TO ENFORCE FAITHFULLY ITS OWN
LAWS. IN VIEW OF THE COMPLEXITY OF THIS MATTER (IN WHICH
AT LEAST THREE AGENCIES OF THE EXECUTIVE BRANCH OF THE
UNITED STATES GOVERNMENT AS WELL AS THE JUDICIAL BRANCH ARE
NOW INTERESTED), IT MAY BE TO THE ADVANTAGE OF YOUR GOVERN-
MENT TO EMPLOY A COMPETENT ATTORNEY TO REPRESENT ITS
INTERESTS DIRECTLY.

7. I HAVE NOTED WITH PLEASURE THE STATEMENT IN THE
AMBASSADOR'S NOTE THAT YOUR GOVERNMENT HAD NO INTENTION
TO DEROGATE THE STRONG FOUNDATIONS AND PRINCIPLES UPON
WHICH ITS RELATIONSHIP WITH THE UNITED STATES GOVERNMENT
HAS BEEN ESTABLISHED. WE ALSO NOTED THE ASSERTION THAT YOUR
GOVERNMENT " VIEWS THE ARREST OF MR. MARSHALL
SOGHOIAN AS AN ACTION CALCULATED TO EMBARRASS THE ZAMBIAN
GOVERNMENT AND ITS PEOPLE". THAT ASSERTION, AS HAS BEEN
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

STATED ORALLY TO OFFICERS OF YOUR EMBASSY AND IN A MESSAGE
TO PRESIDENT KAUNDA, IS WITHOUT FOUNDATION. END QUOTE
KISSINGER

LIMITED OFFICIAL USE

NNN

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 29 SEP 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: morefirh
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973STATE194530
Document Source: CORE
Document Unique ID: 00
Drafter: TJBURKE:BJR
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t1973091/aaaaaagu.tel
Line Count: 157
Locator: TEXT ON-LINE
Office: ORIGIN AF
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: STATE 183130
Review Action: RELEASED, APPROVED
Review Authority: morefirh
Review Comment: n/a
Review Content Flags:
Review Date: 14 JAN 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <14-Jan-2002 by boyleja>; APPROVED <04 MAR 2002 by morefirh>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: ARSHALL SOGHOIAN CASE
TAGS: PFOR, ZA, US
To: LUSAKA
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005